

AMENDED IN ASSEMBLY MAY 20, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 746

Introduced by Assembly Member Matthews

February 19, 2003

An act to add Section 490.7 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 746, as amended, Matthews. Fraud: healing arts: revocation of professional licenses.

Existing law establishes the Department of Consumer Affairs that is comprised of various boards that license and regulate the profession under the board's jurisdiction. Existing law, by initiative statute, creates the Osteopathic Board of California and the State Board of Chiropractic Examiners with similar licensing and regulatory duties with respect to those professions.

Existing law authorizes a board to suspend or revoke a license if the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

Existing law provides for the Medi-Cal program, pursuant to which health care benefits are provided to public assistance recipients and

certain other low-income persons, including dental benefits under the Denti-Cal element of the Medi-Cal program. Under existing law, the Director of Health Services is required to suspend the participation in the Medi-Cal program by a provider of services for conviction of any felony or any misdemeanor involving fraud.

This bill would require specified boards within the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners to revoke a license if the licensee has more than one conviction, *as defined*, for any felony or misdemeanor involving Medi-Cal fraud committed by the licensee in conjunction with the Medi-Cal program or the Denti-Cal element of the Medi-Cal program. *The bill would apply to a licensee with one or more convictions prior to January 1, 2004, in a specified manner.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 490.7 is added to the Business and
2 Professions Code, to read:
3 490.7. (a) A board shall revoke a license, pursuant to Section
4 490, if the licensee is licensed pursuant to Chapter 4 (commencing
5 with Section 1600), Chapter 5 (commencing with Section 2000),
6 Chapter 6.6 (commencing with Section 2900), Chapter 7
7 (commencing with Section 3000), or Chapter 9 (commencing with
8 Section 4000) of Division 2, or pursuant to the Chiropractic Act
9 or the Osteopathic Act, and has more than one conviction of any
10 felony or misdemeanor involving Medi-Cal fraud committed by
11 the licensee in conjunction with the Medi-Cal program, including
12 the Denti-Cal element of the Medi-Cal program, pursuant to
13 Chapter 7 (commencing with Section 14000), or Chapter 8
14 (commencing with Section 14200), of Part 3 of Division 9 of the
15 Welfare and Institutions Code.
16 (b) (1) “Board,” as used in this section, ~~includes~~ *means* the
17 Dental Board of California, the Medical Board of California, the
18 Board of Psychology, the State Board of Optometry, the California
19 State Board of Pharmacy, the Osteopathic Medical Board of
20 California, and the State Board of Chiropractic Examiners.
21 (2) “*More than one conviction*,” as used in this section, *means*
22 *that the licensee has one or more convictions prior to January 1,*



1 2004, and at least one conviction on or after that date, or the
2 licensee has two or more convictions on or after January 1, 2004.
3 However, a licensee who has one or more convictions prior to
4 January 1, 2004, but who has no convictions and is currently
5 licensed after that date, does not have 'more than one conviction'
6 for the purposes of this section.

7 (c) It is the intent of the Legislature for this section to apply to
8 a licensee who has one or more convictions prior to January 1,
9 2004, as provided in this section.

10 (d) Nothing in the section shall preclude a board from
11 suspending or revoking a license pursuant to any other provision
12 of law.

